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To: Microsoft ATR
Date: 1/28/02 11:23am
Subject: Comments on Microsoft settlement

To: Department of Justice
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Subj: Comments re Microsoft Settlement
Date: January 28, 2002

Bill Gates wants to insure innovation by Microsoft. To further this objective, Microsoft has impaired the ability of others to innovate. A marketing genius, Gates wants to convince everyone that empowering innovation by Microsoft is in everyone's interest. Microsoft has damaged the software industry by restraining trade as means of maintaining competitive advantage. I cannot quote you specific dollar values of the impact of this restraint, but I will relate to you one anecdotal instance which may be an illustration.

During the late 1980's and early 1990's two colleagues and I were developing software for IBM and subsequent electrical utility companies. The software implemented on a PC the functionality of Geo Facilities Information System (GFIS) software, which required a more expensive mainframe computer. GFIS was used by electrical utilities to help them manage their electrical grids. The new software ran on IBMs OS2 operating system. Over the course of several years IBM, Florida Power and Light and Duke Power probably invested on the order of one million dollars in the development.

As a result of the competition between IBM and Microsoft (Windows v OS2), what I refer to as the Microsoft Wars, viability of OS2 as a ubiquitous operating system was destroyed. The consequence of this was that the cadre of developers creating applications software was reduced. For a while in the early 1990s I developed software for the AIX unix operating system. The size of that market and the cost of unix development drove me out of software development by 1995. I have finally, starting in 2002, reentered the software development arena. I am reluctantly developing software for use under Windows 2000. Primarily because that is the largest market.

I am not privy to the facts with regard to the abrogation of the contract between IBM and Microsoft for the development of the graphical user interface for OS2. I have seen only from afar, via the news media, the machinations of Microsoft in dealings with companies such as Sun Microsystems over JAVA and Netscape and AOL over browsers. Microsoft business practices sicken me and damage the ability of the software industry to innovate. I had hoped that the federal government would seek a

remedy which would restore some balance to the industry by separating the operating system unit from the application development unit. Microsoft is like a black hole in our solar system. It suppresses competition to such an extent that the light of some new products will never be seen.

Microsoft's practices will continue unless steps are taken to protect the small cap companies which would try to innovate. A case in point is the small Rachis Corporation of Marlboro, MA. This startup company develops software for the emerging interactive TV market. They provide system integration test and evaluation and software for hardware manufacturers, application vendors, middleware, and network operators.

Scientific Atlantic, a set-top box manufacturer, partners with RACHIS despite efforts by Microsoft to provide software to Scientific Atlantic. Microsoft appears to be eyeing the media industry as an arena in which to throw it's weight around. Microsoft has created Microsoft TV and with it's holding in ComCast has some influence over the deployment of the cable network acquired by ComCast from AT&T.

Please keep an eye open for the Microsoft guerrilla vis a vis Rachis.

Respectfully submitted.

Gray Curtis